AMENDMENTS TO THE DRAWINGS

Amended drawings are submitted herewith.

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REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is fully responsive to all issues raised in the Office Action mailed November 18, 2005.

Interview Summary

The undersigned attorney initiated a telephonic interview with Examiner Golden on January 28, 2005, in response to the Office Action mailed January 18, 2006. The purpose of the interview was to discuss the assertion in the Action that the Oath/Declaration submitted with the application was defective.

Based on the conversation, it appears that any defect in the Declaration is due to a scanning or copying error which occured at the PTO. Attached herewith is a copy of the original declaration.

Drawing Objections

To address the Objections to the Drawing, paragraphs 29, 35, and 44 have been amended herein.

Specification Objections

Applicant requests clarification regarding the assertion that the title is not descriptive. Nothing in the claims requires determining an optimal block size for copy operations, as suggested in the Action. To the contrary, the application describes contexts in which block size allocations other than an

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"optimal" allocation may be used. Hence, the title appears to be sufficiently descriptive.

Claim Objections

Applicant requests clarification of the antecedent basis objections applied to claims 20-25. Independent claim 19 is directed to "A network element" and dependent claims 20-25 recite "The network element of claim 19 . . ." Antecedent basis appears to be correct in the claims.

New Claims

New claims 27-38 are submitted herewith. The claims are supported in the specification, at least in paragraphs 41-44.

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Rejections Under 35 U.S.C. §102

Claims 1-3, 8-10, 13, and 15-18 were rejected under 35 U.S.C.

§102(e) as being anticipated by U.S. Patent No. 6,678,812 to Begis, et al.

(hereinafter, "Begis"). Applicant traverses these rejections.

Begis cannot anticipate (or render obvious) independent claims 1 and

8 because Begis neither discloses (nor even suggests) limitations recited in

independent claims 1 and 8. Claims 1 and 8 recite limitations directed to:

> initiating a copy operation from a first storage cell to a
> second storage cell, wherein the copy operation initially utilizes
> a first write block size;

The Action asserts that Begis discloses this limitation, and cites

column 1, lines 14-16 and column 4, lines 35-37 to support the rejection.

Applicants disagree. The cited text reads as follows:

> Transfer Block Size: The number of blocks
> (sectors) transferred from the hard drive to the
> hard drive's host processor before the hard drive
> issues a processor interrupt. Access Block Size:
> The number of blocks (sectors) requested by the
> basic input/output service (BIOS) or a device
> driver.
>
> Optimization function 108 then generates
> a random address, step 208, marks the time, step
> 210, and performs a read using the
> benchmarking Access Block Size, step 212.

Nothing in this text discloses (or even suggests) the presence of a

storage cell, much less the operation of initiating a copy operation from a first

storage cell to a second storage cell, as recited in claims 1 and 8.

Therefore, the '973 patent cannot anticipate independent claims 1 and 8.

Claims 2-7 and 9-18 depend ultimately from independent claims 1,

and 13, respectively, and are allowable at least by virtue of their

dependency.

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Rejections Under 35 U.S.C. §103

Claims 19 and 26 were rejected under 35 U.S.C. §103(a) as being

unpatentable over Begis in view of U.S. Patent No. 6,769,030 to Bournas, et

al., (hereinafter, "Bournas"). Applicants traverse the rejections.

To establish a prima facie case of obviousness, three basic criteria

must be met. First, there must be some suggestion or motivation, either in

the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure. *See,*

MPEP § 2142 - § 2143.03.

Claims 19 and 26 each recite a limitation directed to "initiating a data

transfer operation between a first storage cell and a second storage cell."

The Action asserts that Begis discloses this limitation, and cites column 4,

lines 35-37 to support the rejection. Applicants disagree. The cited text

reads as follows:

> Transfer Block Size: The number of blocks (sectors) transferred from the hard drive to the hard drive's host processor before the hard drive issues a processor interrupt. Access Block Size: The number of blocks (sectors) requested by the basic input/output service (BIOS) or a device driver.

> Optimization function 108 then generates a random address, step 208, marks the time, step 210, and performs a read using the benchmarking Access Block Size, step 212.

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Nothing in this text discloses (or even suggests) the presence of a storage cell, much less the operation of initiating a copy operation from a first storage cell to a second storage cell, as recited in claims 19 and 26. Therefore, the '973 patent cannot render obvious independent claims 19 and 26.

Claims 20-25 depend from independent claim 19, and are allowable at least by virtue of their dependency.

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CONCLUSION

Claims 1-38 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
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Dated: February 24, 2006

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